IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25873 of 2008
ASHA KUMARI
Versus
STATE OF BIHAR
---

2. 24.9.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending her arrest in connection with Mansi P.S. Case No.18 of 2008 for the alleged offences registered under sections 363 and 366A of the Indian Penal Code.

The petitioner is not a named accused. Named accused Roshan Jain alias Sonu has been arrested and is in custody.

The allegation in the First Informant Report is to the effect that the daughter of the informant aged about 18 years had gone out at 11 P.M. in the night to attend the call of nature, but she did not return back. The informant on taking out the printout of his telephone number found that several calls from a particular mobile had been made and on further enquiry, he could learn that the said mobile was of Raushan Jain alias Sonu and the informant had claimed that he had got full belief that the said boy, namely, Sonu had taken away his dauther with some ill design.

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It is submitted that the daughter of the informant was examined under section 164 of the Code of Criminal Procedure and she has specifically stated against Sonu who had taken her on the vehicle and went somewhere after putting some chemical over her face which resulted in her unconsciousness. In her said statement she

has also named some other boy while she was kept in a room. However, she has not said anything against this petitioner. The petitioner has been implicated in this case on the confessional statement of the co-accused. However, no incriminating material could be found against her.

The learned APP appearing for the State opposes the prayer for bail, however, in view of the statement of the victim under section 164 of the Code of Criminal Procedure, he is not in a position to refute the submissions.

Considering the above, it is directed that petitioner Asha Kumari, in the event of her arrest or surrender in connection with Mansi P.S. Case No.18 of 2008, within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**